

REMARKS

Claims 1-3, 5, 7, 8, 17-19 and 22-23 are pending. Independent Claim 1 has been amended to delete non-elected subject matter. Claim 19 is directed to methods for increasing ocular permeability which are disclosed in Example 2 on pages 248-250 of the specification. Claims 4, 18-21 and 24-25 have been cancelled. No new matter has been added.

The Applicants thank Examiner Solola for the helpful and courteous discussion on April 18, 2006. It was suggested that Claim 1 be revised to delete non-elected subject matter by deleting "a bond" from the definition of Y. Revisions to Claim 1 to avoid the cited prior art were discussed.

Rejection—35 U.S.C. §112, first paragraph

Claims 19, 20 and 24 were rejected under 35 U.S.C. 112, first paragraph, as lacking enablement. This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §112, second paragraph

Claims 4, 8, 19 and 24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §102(b)

Claims 1 and 4 were rejected under 35 U.S.C. 102(b) as being unpatentable over Katsura et al., WO 9630350. This rejection is moot in view of the clarification of the language of Claim 1 which now indicates that substituents B and D cannot both simultaneously be bonds. This avoids the two compounds pointed out by the Examiner in this document. In these compounds, the thiazole group of the left corresponds to "E" in Claim 1, and the adjacent -NH- group to "A". Since Claim 1 requires "B" and "D" to lie

between "A" and "E" and the prior art compounds do not contain both "B" and "D", there is no anticipation.

Claim Objections

The claims were objected to as containing non-elected subject matter. These objections are moot in view of the amendments above.

Allowable subject matter

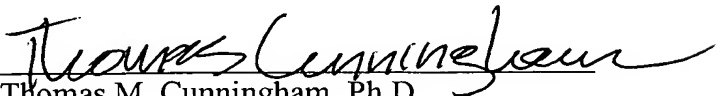
The Applicants thank Examiner Solola for indicating that Claims 2, 3, 5, 7, 17, 18, 21-23, and 25, though objected to for depending from a rejected claim(s), are otherwise in condition for allowance. In view of the amendment of independent Claim 1, these objections may now be withdrawn.

CONCLUSION

In view of these amendments and the remarks above, the Applicants respectfully submit that the present application is now in condition for allowance. Early notice to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon


Thomas M. Cunningham, Ph.D.
Registration No. 45,395

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)